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JAMES H. COHN
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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

FEB 15 2005

LEONARD GREEN, Clerk

No. 03-4365

BP CARE, INC.,
Plaintiff - Appellant,

v.

1:01cv526

TOMMY THOMPSON, Secretary, United States
Department of Health and Human Services;
DEPARTMENT OF HEALTH AND HUMAN
SERVICES,
Defendants - Appellees.

Before: COLE and ROGERS, Circuit Judges; COHN, District Judge.


JUDGMENT

On Appeal from the United States District Court
for the Southern District of Ohio at Cincinnati.

THIS CAUSE was heard on the record from the district court and was argued
by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the
district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Leonard Green, Clerk